

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

NICE SYSTEMS, INC. and
NICE SYSTEMS LTD.,

*Plaintiffs and Counterclaim
Defendants,*

v.

WITNESS SYSTEMS, INC.,

*Defendant and Counterclaim
Plaintiff.*

C.A. No. 06-311-JJF

DATE: April 13, 2007

TIME: 10:00 a.m.

**WITNESS SYSTEMS, INC.'S NOTICE OF MOTION FOR LEAVE TO FILE
ITS SECOND AMENDED ANSWER, DEFENSES, AND COUNTERCLAIMS**

PLEASE TAKE NOTICE THAT, in accordance with the procedures set forth in the Court's Standing Order regarding the procedure for filing non-case dispositive motions in patent cases, Defendant Witness Systems, Inc. ("Witness Systems") moves to amend its First Amended Answer, Defenses, and Counterclaims to Plaintiffs' Complaint and to file its Second Amended Answer, Defenses, and Counterclaims to Plaintiffs' Complaint to be heard at 10 a.m. on April 13, 2007, or as soon thereafter as the Court may permit.

Dated: March 21, 2007

FISH & RICHARDSON P.C.

By: /s/ Kyle Wagner Compton
William J. Marsden, Jr. (#2247)
Kyle Wagner Compton (#4693)
919 N. Market Street, Suite 1100
P. O. Box 1114
Wilmington, DE 19899-1114
Tel: (302) 652-5070

Nagendra Setty (*pro hac vice*)
Daniel A. Kent (*pro hac vice*)
John D. Hamann (*pro hac vice*)
1180 Peachtree Street, NE
21st Floor
Atlanta, GA 30309
Tel: (404) 892-5005

Attorneys for Defendant
Witness Systems, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on March 21, 2007, I electronically filed with the Clerk of Court "WITNESS SYSTEMS, INC.'S MOTION FOR LEAVE TO FILE ITS SECOND AMENDED ANSWER, DEFENSES, AND COUNTERCLAIMS" using CM/ECF which will send notification of such filing(s) to the below-listed Delaware counsel. In addition, the filing will also be sent via hand delivery to:

Josy W. Ingersoll
Melanie K. Sharp
Karen E. Keller
Young, Conaway, Stargatt & Taylor, LLP
1000 West Street, 17th Floor
P.O. Box 391
Wilmington, DE 19899

Attorneys for Plaintiffs
Nice Systems Ltd. and Nice Systems, Inc.

I hereby certify that on March 21, 2007, I have emailed and sent via United States Postal Service, the document(s) to the following non-registered participants:

Scott G. Lindvall
Daniel DiNapoli
Joseph M. Drayton
Robert R. Laurenzi
Jason Frank
Steven Chin
Kaye Scholer LLP
425 Park Avenue
New York, NY 10022

Attorneys for Plaintiffs
Nice Systems Ltd. and Nice Systems, Inc.

/s/ Kyle Wagner Compton
Kyle Wagner Compton